

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

CHLOE BURNS

Plaintiff,

v.

BROWN UNIVERSITY

Defendant.

C.A. No. 1:23-cv-00086-JJM-PAS

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Brown University (“Brown” or the “University”) submits this notice of supplemental authority to inform the Court of a recently issued ruling that is relevant to Brown’s pending motion for summary judgment.

Brown has raised arguments relating to liability and damages issues applicable to Plaintiff’s remaining claims under Title IX of the Education Amendments Act of 1972 (“Title IX”). If the Court proceeds past the liability analysis and reaches the damages issues, Brown argues that Plaintiff cannot recover, as a matter of law, for any alleged loss of past and future earnings and diminished earning capacity under her Title IX claims. Brown wishes to alert the Court to a June 13, 2025 summary judgment ruling by the United States District Court for the Southern District of Texas in *Roe v. Cypress-Fairbanks Indep. Sch. Dist.*, Civ. A. No. H-18-2850, 2025 WL 1678080, at *7-12 (S.D. Tex. June 13, 2025), which analyzes cases cited by Brown in its initial and reply memoranda and further supports the University’s arguments that the damages asserted by Plaintiff are not recoverable under Title IX.

In *Roe*, the court granted summary judgment to a school district as its motion pertained to the plaintiff’s damages claims for alleged loss of past and future earnings and diminished earning

capacity. *Id.* at *12. The court undertook a legal analysis of Title IX as a Spending Clause statute and followed case law nationally rejecting the recoverability of alleged past and future lost earnings and diminished earning capacity damages under Title IX claims. *Id.* at 7-12.

BROWN UNIVERSITY

By Its Attorneys,

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Dated: June 17, 2025

CERTIFICATE OF SERVICE

I certify that, on the 17th day of June 2025, I filed and served this Notice of Supplemental Authority via the Court's CM/ECF system.

/s/ Steven M. Richard